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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,921	04/30/2001	Eitan Hamami	2108/2	9878

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,921

Applicant(s)

HAMAMI ET AL.

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 2, 5, 8 and 9-11** are rejected under 35 U.S.C. 102(e) as being anticipated by McKinnon et al. (United States Patent 6,175,565), hereinafter referenced as McKinnon.

Regarding **claim 1**, McKinnon discloses a serial telephone adapter. In addition McKinnon discloses a method for inputting/outputting audio data to or from a computer via at least one regular telephone, the method comprising:

an electronically connecting a configurable adapter between the at least one telephone and the computer;

facilitating inherent analog data transfer through the adapter between the at least one telephone and the computer, as disclosed at column 2, line 56 through column 3, line 19 and exhibited in figure 2.

Regarding **claim 2**, McKinnon discloses everything claimed as applied above (see claim 1), in addition, McKinnon discloses wherein the adapter is a stand-alone adapter, as exhibited in figure 2.

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Regarding **claim 5**, McKinnon discloses everything claimed as applied above (see claim 1), in addition, McKinnon discloses wherein facilitating includes placing and receiving of regular calls, as disclosed at column 3, lines 12-18.

Regarding **claim 8**, McKinnon discloses everything claimed as applied above (see claim 1), in addition, McKinnon discloses wherein the analog data transfer includes voice communication, as disclosed at column 3, lines 4-12.

Regarding **claims 9-11**, McKinnon discloses everything claimed as stated above. In addition, claims 9-11 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 2, 5, and 8.

2. **Claims 14-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Danne et al. (United States Patent 6,157,620), hereinafter referenced as Danne.

Regarding **claim 14**, Danne discloses an enhanced radio telephone for use in internet telephony. In addition Danne discloses an adapter that facilitates data communication between at least one regular telephone and a computer while allowing various connections to audio peripherals, comprising:

electrical connection means to the at least one telephone and the computer; and

switching means to change operation modes by which the data communication is carried out, as disclosed at column 4, line 35 through column 5, line 32.

Regarding **claim 15**, Danne discloses everything claimed as applied above (see claim 14), in addition Danne discloses wherein the electrical

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connection means is connected to the audio computer peripherals and to the PSTN line, as disclosed at column 5, lines 10-32 and exhibited in figure 1.

Regarding **claim 16**, Danne discloses everything claimed as applied above (see claim 15), in addition Danne discloses wherein the switching means are manual, as disclosed at column 5 line, 57 through column 6, line 10.

Regarding **claim 17**, Danne discloses everything claimed as applied above (see claim 15), in addition Danne discloses wherein the switching means are automatic, as disclosed at column 5 line, 57 through column 6, line 10.

Regarding **claim 18**, Danne discloses everything claimed as applied above (see claim 15), in addition Danne discloses being implemented in a stand alone unit, as exhibited in figures 2 and 3.

3. **Claims 14, 15, 19 and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy (United States Patent 6,456,715).

Regarding **claim 14**, Kennedy discloses a device for connecting a telephone to a PC. In addition Kennedy discloses an adapter that facilitates data communication between at lease one regular telephone and a computer while allowing various connections to audio peripherals, comprising:

electrical connection means to the at least one telephone and the computer; and

switching means to change operation modes by which the data communication is carried out, as disclosed at column 5 line 8-26.

Regarding **claim 15**, Kennedy discloses everything claimed as applied above (see claim 14), in addition Kennedy discloses wherein the electrical

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connection means is connected to the audio computer peripherals and to the PSTN line, as exhibited in figures 4-5.

Regarding **claim 19**, Kennedy discloses everything claimed as applied above (see claim 15), in addition Kennedy discloses being implemented in the computer modem, as disclosed at column 5, lines 1-26.

Regarding **claim 20**, Kennedy discloses everything claimed as applied above (see claim 15), in addition Kennedy discloses being implemented in the computer audio card, as disclosed at column 5, lines 1-49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 4, 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinnon in view of Kennedy.

Regarding **claim 3**, McKinnon discloses everything claimed as applied above (see claim 1), however, McKinnon fails to disclose wherein the adapter is implemented in the computer modem. However, the examiner maintains that it was well known in the art to provide wherein the adapter is implemented in the computer modem, as taught by Kennedy.

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In addition, Kennedy discloses wherein the adapter is implemented in the computer modem wherein the adapter is implemented in the computer modem, as exhibited in figures 5 and 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKinnon by specifically providing wherein the adapter is implemented in the computer modem, as taught by Kennedy, for the purpose of utilizing preexisting circuitry and functions of the modem.

Regarding **claim 4**, McKinnon discloses everything claimed as applied above (see claim 1), however, McKinnon fails to disclose wherein the adapter is implemented in the computer audio card. However, the examiner maintains that it was well known in the art to provide wherein the adapter is implemented in the computer audio card, as taught by Kennedy.

In addition, Kennedy discloses wherein the adapter is implemented in the computer modem wherein the adapter is implemented in the computer audio card, as exhibited in figures 5 and 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKinnon by specifically providing wherein the adapter is implemented in the computer audio card, as taught by Kennedy, for the purpose of utilizing preexisting circuitry and functions audio card to process the voice data.

Regarding **claim 6**, McKinnon discloses everything claimed as applied above (see claim 1), however, McKinnon fails to disclose sending and receiving

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voice messages. However, the examiner maintains that it was well known in the art to provide sending and receiving voice messages, as taught by Kennedy.

In addition, Kennedy discloses sending and receiving voice messages, as disclosed at column 3, lines 52-63.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKinnon by specifically providing sending and receiving voice messages, as taught by Kennedy, for the purpose of communicating with others telephonically during periods of absents.

Regarding **claim 7**, McKinnon discloses everything claimed as applied above (see claim 1), however, McKinnon fails to disclose using the keypad of the at least one telephone to send DTMF signals to the computer. However, the examiner maintains that it was well known in the art to provide wherein using the keypad of the at least one telephone to send DTMF signals to the computer, as taught by Kennedy.

In addition, Kennedy discloses wherein using the keypad of the at least one telephone to send DTMF signals to the computer, as disclosed at column 3, lines 42-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKinnon by specifically providing wherein using the keypad of the at least one telephone to send DTMF signals to the computer, for the purpose of providing commands to the modem/switching mechanism.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold
Examiner
Art Unit 2644

JFH
September 1, 2004